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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/759,424

01/12/2001

Manabu Sawasaki

1508.65123

2317

24978

7590

08/23/2006

GREER, BURNS & CRAIN
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CHICAGO, IL 60606

EXAMINER

NGUYEN, DUNG T

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,424

Applicant(s)

SAWASAKI ET AL.

Examiner

Dung Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,8,23,32-41,54,55,57,59-61,63 and 65-69 is/are pending in the application.
- 4a) Of the above claim(s) 54 and 55 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23,32-41,57,59-61,63,65,66-69 is/are allowed.
- 6) ☒ Claim(s) 1,8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicants' amendment dated 05/05/2006 has been received and entered. By the amendment, claims 1, 8, 23, 32-41, 54-55, 57, 59-61, 63 and 65-69 are remain pending in the application, wherein claims 54 and 55 stand withdrawn from consideration.

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1 and 8 are rejected under 35 U.S.C 102(e) as being anticipated by Lien et al., US Patent No. 6,493,050.

The above claims are anticipated by Lien et al. figures 1A and 17 which disclose a liquid crystal display (LCD) device comprising:

- . a pair of substrates (102, 104);
- . a liquid crystal layer (101);
- . color filters (106);
- . a common electrode (122);
- . cell gap adjusting spacers (first spacer 108/602), wherein the cell gap adjusting spacers covered directly adjacent terminal edges of the color filters as well as formed over a black matrix (see figure 17);
- . domain defining projections (pretilt control structure 114/606) as claimed.

Allowable Subject Matter

3. Claims 23, 32-41, 57, 59-60, 63 and 65-66 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: none of prior art disclose, singly or combined, an LCD device having a plurality of spacers interposed between two substrates, wherein the spacers are formed to satisfy all condition as set forth in claims 32-33. Furthermore, pixel regions include both first pixel regions, in which a final protection film is interposed between pixel electrodes and a transparent substrate, and second pixel regions, in which the final protection film is not interposed between the pixel electrodes and the transparent substrate as set forth in claims 23, 32-34, 38, 57, 59-60, 63 and 65-66 as well as both the first and second spacers are formed over a black matrix formed on the substrate as set forth in claims 61 and 67-69).

Response to Arguments

4. Applicants' arguments filed 05/05/2006 have been fully considered but they are not persuasive.

Applicants contend that Lien does not show any adjacent edges of color filters at all, the post spacer 602 only covers overlapping portions of the first color filter layer 504 and the second color filter layer 510, but the terminal edges of these two filters are nit directly adjacent to each other under the spacer 602. The examiner respectfully disagrees with Applicant's view point since the spacer (602) does cover the terminal edges of the first color filter layer (e.g., 510/600 on left side) and the second color filter layer (e.g., 504/600 on right side) that are directly

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adjacent (part of adjacent two color filters on the same level) as well as covers the overlapping part as shown in figures 16 and 17.

Accordingly, the rejection of claims 1 and 8 stand.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Nguyen whose telephone number is 571-272-2297. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on 571-272-1782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DN
08/21/2006

A handwritten signature in black ink, appearing to read 'Dung Nguyen', with a long horizontal line extending to the right.

Dung Nguyen
Primary Examiner
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